

In re Patent Application of
Ray D. Odom
Serial No. 09/982,256
Filed October 18, 2001

REMARKS

Applicant herein responds to the outstanding Office action.

The Claims Are Patentable Over The Cited References

The Examiner has rejected all independent claims under 35 USC § 103(a) as obvious and unpatentable over Rusnak in view of Elings et al. (Elings). For the following reasons Applicant respectfully disagrees.

The obviousness rejection is defective, as it does not establish the required elements for a *prima facie* case of obviousness against the claims. Three basic criteria must be met, as follows (see MPEP §2143):

- 1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant points out that the Rusnak reference teaches away from the present invention by describing that the ball is a *holographic image*, or any form of a *captive or dummy ball*. A captive or dummy ball clearly refers to a physical object, "such as a captive ball mounted on a flexible resilient arm or a swing arm." A holographic image, while not described by Rusnak, is well known in the art to be a three-dimensional image which allows the observer to look behind the object. Moreover, creation of a holographic image requires complex optics and electronics, usually a laser.

By contrast to Rusnak, the image created in the present invention is a *real image*, which is known in the art to be produced by the use of simple curved mirrors, is not a three-

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dimensional image, and does not require sophisticated optics and electronics for its creation. The claims recite a real image. In support of Applicant's remarks, enclosed are copies of appropriate sections of the McGraw-Hill Encyclopedia of Science & Technology, 7th Edition, 1992, including writeups on "Holography" and "Mirror Optics."

For those reasons, Applicant respectfully suggests that the Rusnak reference teaches away from the invention and one skilled in the art would find no motivation or suggestion therein to arrive at the claimed invention.

The Elings reference does not teach that the relationship between the physical ball used to produce the image and the reflector is adjustable so as to allow changing the position of the produced image. As noted above, Rusnak teaches a holographic image, not a real image. Therefore, neither reference teaches adjustability of positioning of a real image of a golf ball. It is known that the angle at which a golfer sees the golf ball will necessarily change not only according to the golfer's physical height, but also according to the length of the club being used by the golfer. For example, drivers are known to be longer than irons. As the golfer's angle of view of the real image golf ball changes, the image may disappear. Thus, the device benefits from adjustability.

Accordingly, the combination of Elings and Rusnak fail to provide at least elements 1 and 3 of the prima facie case of obviousness. That is, the references teach away and do not provide a suggestion leading the skilled to the invention, and the references fail to describe all the claim elements recited in the present claims.

Conclusion

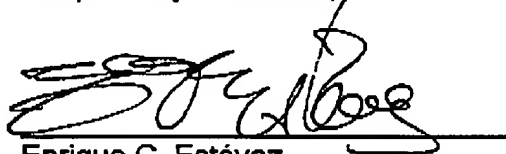
In view of the amendments and the remarks presented herein, it is submitted that these claims are patentable over the cited references. In addition, their respective

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dependent claims, which recite yet further distinguishing features, are also patentable and require no further discussion.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,

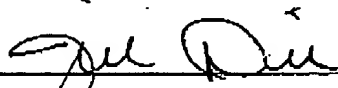


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